

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

CYBOENERGY, INC.,

Plaintiff,

v.

ALTENERGY POWER SYSTEM USA,
INC.,

Defendant.

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Case No. 6:22-CV-01136-KC

PARTIES' JOINT CLAIM CONSTRUCTION AND PREHEARING STATEMENT

Under the Court's Standing Order on Patent Cases and pursuant to the Court's Scheduling Order (ECF No. 21), Defendant Altenergy Power System USA, Inc. ("APsystems"), and Plaintiff CyboEnergy, Inc's ("CyboEnergy"), collectively "the Parties," submit this Joint Claim Construction and Prehearing Statement.

I. Agreed Claim Constructions

The Parties have agreed to the following construction with regard to U.S. Patent No. 8,786,133:

All terms should be given their plain and ordinary meaning.

II. Disputed Claim Terms

The following chart identifies the disputed claim terms for U.S. Patent No. 9,331,489 as well as each Party's proposed constructions:

Claim Term	Asserted Claim	Plaintiff's Proposed Construction(s)	Defendant's Proposed Construction(s)
"DC-DC boost converter"	Claim 14	Plain and ordinary meaning, no construction needed	One of a Buck Converter, Boost Converter, Buck-Boost Converter, Super-Lift Luo Converter, or Cascade Boost Converter used to boost the DC input voltage to a higher voltage.
"supporting circuits"	Claim 14	Plain and ordinary meaning, no construction needed	Indefinite.
"measurement circuits"	Claim 14	Plain and ordinary meaning, no construction needed	Indefinite.
"DC power combiner...for combining"	Claim 14	Plain and ordinary meaning, no construction needed	Indefinite as a 112(6) element with no corresponding structure disclosed. Alternatively, a device capable of combining DC output from all DC-DC boost converters while also selectively passing though power received from one channel while combining power from the other connected channels.
"constructed to run the power inverter in normal or low power mode based on calculated DC input power"	Claim 14	Plain and ordinary meaning, no construction needed	Constructed to run the power inverter in normal mode or low power mode when the total power generated by the connected solar panels falls below some threshold.

“configured to take DC power from a dedicated input channel and its connected solar panel”	Claim 14	Plain and ordinary meaning, no construction needed	Configured to take DC power from one and only one input channel and its connected solar panel.
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Exhibit A provides and identification of extrinsic and intrinsic evidence supporting Defendant’s proposed constructions.¹

III. Anticipated Length of Claim Construction Hearing

The Parties anticipate the Claim Construction Hearing taking no longer than 2 hours, which would allow each side 1 hour to argue the disputed claim terms.

IV. Witnesses at Claim Construction Hearing

The Parties do not intend to offer any live witness testimony at the Claim Construction Hearing.

¹ Plaintiff believes that no construction is needed, and all claim terms proposed by Defendant should be given their plain and ordinary meaning. Accordingly, Plaintiff does not have any intrinsic or extrinsic evidence to affirmatively designate at this time. However, Plaintiff reserves the right to identify and present evidence and/or witness testimony in rebuttal.

Dated: September 1, 2023

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Respectfully Submitted,

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CERTIFICATE OF SERVICE

Pursuant to the Federal Rules of Civil Procedure and Local Rule CV-5, I hereby certify that, on September 1, 2023, all counsel of record who have appeared in this case are being served with a copy of the foregoing via the Court's CM/ECF system.

/s/Michael J. Curley
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